



March 7, 2017

Secretary Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Subject: Comments on Streamlining Deployment of Small Cell Infrastructure by Improving
Wireless Facilities Siting Policies (WT Docket No. 16-421)

Dear Secretary Dortch:

The City of Delaware, Ohio, is a county seat municipality located in central Ohio. We trace our history to 1808. The City is one of the fastest growing in the state and located in Delaware County, one of the fastest growing counties in the nation for several decades. The City provides a full range of services to our citizens including engineering, building, planning, zoning, police, fire, and refuse among others. The City is currently approximately 40,000 people and growing.

This letter is our response to the Federal Communications Commissions' invitation to submit comments regarding streamlining deployment of small cell infrastructure by improving wireless facilities siting policies. As you determine how local land-use regulations or actions affect wireless infrastructure deployment, we offer the following comments in the three categories laid out in the public notice: Local Governments' Practices that "Prohibit or Have the Effect of Prohibiting" Provision of Service; Reasonable Period of Time for Review of Siting Applications; and Application Process Fees and Charges for Use of Rights-of-Way.

We desire and recognize the need to accommodate better wireless internet communication, while balancing the aesthetic and right-of-way impacts associated with any construction. We have a codified process for addressing any installations within our rights-of-way and have wireless communications ordinances as well as guidelines for wireless technology in the public right-of-way. We have been actively working with wireless carriers to determine their needs and mesh them with community requirements in order to facilitate excellent coverage for these services throughout our community.

1. Local Governments' Practices that "Prohibit or Have the Effect of Prohibiting" Provision of Service

We believe the coverage that the companies provide should be ubiquitous, providing complete coverage throughout communities, rather than support the potential 'redlining' of wireless coverage based on demographics or economic characteristics. It is our desire to work with the wireless carriers and be proactive in identifying appropriate siting of small cell technology installations to ensure this complete, nondiscriminatory coverage that is responsive to community requirements and needs. If everyone has a fair opportunity to take advantage of such technologies, we believe they can be of great economic benefit and transform our community.

We also have the responsibility to our taxpayers to protect our capital investments and fulfill government's responsibility of ensuring the health, safety, welfare and aesthetic qualities in our communities. We do not have a robust asset inventory that details whether public infrastructure can support additional weight, wind load or other impacts that could have catastrophic results to public property nor do we have policies detailing allowance for these types of applications as infrastructure within the rights-of-way are generally reserved for their intended purpose. Applicants should be expected to provide this information or bear the cost of ascertaining it. We would have to determine if existing public infrastructure could be used, if the City Council desired it to be used from a policy perspective, and address any liability concerns in this regard among other potential issues. There is no other city public infrastructure which is simply granted to the use of private or other public utilities within our jurisdiction for attachment in the manner suggested. However, the right-of-way is used for the provision of various utilities generally as well as public infrastructure dedicated to its intended purpose.

2. Reasonable Period of Time for Review of Siting Applications

We have not yet processed many wireless permits within the right-of-way of our community, but have successfully processed several over the course of the last year requiring dedicated staff time for at least two full-time equivalent employees to process right-of-way permits of all types. With the expected increase as noted, we would expect either the need to increase personnel to maintain or reduce the siting review period, or redirect existing personnel from other permitting functions such as building permits, and thereby adversely affect economic development, safety, and other equally important regulations to our community. We do not have a history of giving preferential treatment to any particular wireless company. Finally, we process right-of-way permits on a first-come, first-served basis and generally process them, with a complete application and materials, within one or two weeks.

3. Application Processing Fees and Charges for Use of Rights-of-Way

We appreciate the desire to establish a consistent and well defined fee structure so companies can plan expenses. However, this should not be mandated at a national level, as each state and community have varying wages which affect processing costs. In fact, companies can easily plan for fees today within our jurisdiction as we have a well-used and published process together with an adopted fee schedule for right-of-way permits which is equally available to all applicants. The typical fee for a right-of-way occupation is only \$30 with an excavation permit typically costing \$35. Sometimes inspections are required or maintenance of traffic (MOT) plans and procedures which can increase the cost for those services depending upon project parameters but which are directly related to the service provided and apply to any right-of-way applicant equally. To date, fees have not hindered the provision for utilities within the right-of-way for our growing community.

Thank you for the opportunity to comment on how small cell infrastructure affects our community. We look forward to continuing our efforts of advancing the deployment of new and emerging communications technologies in the best possible manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Efland', with a stylized, sweeping flourish extending from the end.

David M. Efland, AICP
Director of Planning & Community Development